

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rogers et al.                      Art Unit : 2643  
Serial No. : 10/737,193                      Examiner : Wing F. Chan  
Filed : December 15, 2003                      Conf. No. : 5504  
Title : MEDICAL MONITORING SYSTEM HAVING MULTIPLE  
COMMUNICATIONS CHANNELS

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

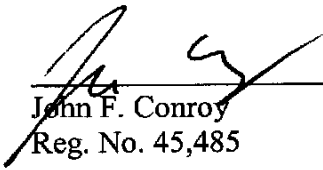
Applicants request consideration of the references listed on the attached PTO-1449 form. Under 37 C.F.R. § 1.98 (a)(2)(ii), only copies of foreign patent documents and/or non-patent literature are enclosed. Copies of any listed U.S. patents or U.S. patent application publications can be provided upon request. A copy of a communication from a foreign patent office in a counterpart application is also enclosed.

This statement is being filed within three months of the filing date of the application or before the receipt of a first Office Action on the merits. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

6/1/06

  
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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 16491-008002	Application No. 10/737,193
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)  (37 CFR §1.98(b))		Applicant Rogers et al.	
		Filing Date December 15, 2003	Group Art Unit 2643

**U.S. Patent Documents**

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	5,579,001	Nov 26, 1996	Dempsey, et al.			
	AB						
	AC						
	AD						
	AE						
	AF						

**Foreign Patent Documents or Published Foreign Patent Applications**

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AG	JP08-243131	Sept 24, 1996	JP			Abstract only	
	AH							
	AI							

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	AJ	
	AK	
	AL	
	AM	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

**Dispatch No.: 184459; Dispatch Date: May 2, 2006**

## **Notification of Reason(s) for Refusal**

**Patent Application No.: 2002-584277**

**Drafting Date: April 27, 2006**

**Examiner of JPO: Masaki UEDA**

**Representative: Prospec Patent Firm**

**Applied Provision: Patent Law Section 17bis(3) and 29(1)**

**This application should be refused for the reason mentioned below. If the applicant has any argument against the reason, such argument should be submitted within 3 months from the dispatch date of this notification.**

### **Reason**

#### **[Reason 1]**

**The invention(s) in the claim(s) mentioned below of the subject application should not be granted a patent under Patent Law Section 29(1) (iii) since it is an invention(s) described in the publication(s) mentioned below which was distributed in Japan or foreign countries prior to the filing of the subject application.**

**Notes (as to the Cited References, see the list of Cited References)**

- Claim 8
- Cited References 1
- Remarks

Cited Reference 1 describes a patient monitoring system (a medial monitoring system) including a sensor 220 (corresponding to the "sensor" and the "sensor system" of the invention recited in the above-mentioned claim; hereinafter, the same thing is applied to the descriptions enclosed in parenthesis), and an MPX 210 (a remote monitoring unit), wherein a back-channel receiver module 213 (a portable-monitoring-unit transceiver system) which has a remote measuring processor 222 (a microprocessor) for receiving data from said sensor and a bidirectional paging transmitting system (a paging network transceiver) is attached to said MPX [especially, see the paragraphs [0018] to [0019], [0035] to [0036], and Fig. 2.].

- Claim 9
- Cited References 1
- Remarks

See the remarks of the reasons for rejection to the invention recited in claim 8.

The back-channel receiver module described in Cited Reference 1 makes communication upon receiving a command from a central monitor station (that corresponds to the "central unit" in the invention recited in the above-mentioned claim) of a network 205.

[Reason 2]

The procedure amendment made on April 6, 2006 does not satisfy the requirements defined in 17bis(3) of the Japanese Patent Law, since it has not been made within the range of the matters of the specification or the drawings originally attached to the petition on the following points.

**Note**

• As to claims 1 to 6, 10 to 13, 15 to 16, 17 to 25, and 26 to 33, the applicant has amended the inventions of these claims as follows:

(1) As to claims 1 to 6, 10 to 13, and 15 to 16, the applicant has added a structure in which "the data set to be transmitted" is "changed in accordance with the selected communication link".

(2) The inventions recited in the added claims 17 to 25 respectively have a structure in which "the data set of which transmission to the central unit is to be customized in accordance with the communication channel to be used".

(3) The inventions recited in the added claims 26 to 33 respectively have a structure in which "the data set corresponding to the selected communication channel is specified, and said specified data set is transmitted to the central unit via said selected communication channel".

However, although the specification or the drawings originally attached to the petition of this patent application describe a structure in which a full data set is transmitted when a communication link capable of transmitting the full data set is useable, and whereas a compacted data set is transmitted when a communication link capable of transmitting the full data set is not useable, the specification and the drawings neither describe

nor remotely suggest a structure in which the content of the data set itself is changed in accordance with, for example, the kind of the communication link [for example: the full data: A+B, Communication link 1: only A is transmitted, Communication link 2: only B is transmitted, etc.], and such a structure is not recognized as a matter obvious for those skilled in the art.

Therefore, the above-mentioned amendment has added new matters.

Since it is clear that the matters recited in claims 1 to 6, 10 to 13, 15 to 16, 17 to 25, and 26 to 33 in the specification or the drawings to which the above-mentioned amendment has been made do not fall within the range of the matters described in the specification or the drawings originally attached to the petition, no examination has been made to said inventions whether or not they satisfy the patent requirements such as the novelty, inventive step, etc.

For the claims other than the claim specified in this notification of reason(s) for refusal, no reason for refusal is found at present. If any reason(s) for refusal is found later, it will be notified.

#### The list of Cited References

1. JP08-243131A: US 5579001 A